

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CUREVAC SE ( <i>f/k/a</i> CUREVAC AG),	)	
	)	
and	)	
	)	
CUREVAC MANUFACTURING GMBH,	)	
	)	Civil Action No. 2:23-cv-222-JKW-DEM
Plaintiffs,	)	
	)	<b>JURY TRIAL DEMANDED</b>
v.	)	
	)	
BIONTECH SE, BIONTECH	)	
MANUFACTURING GMBH, and PFIZER	)	
INC.,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF NARROWING THE CASE**

Plaintiffs CureVac SE (*f/k/a* CureVac AG) and CureVac Manufacturing GmbH (collectively “CureVac”), by counsel, submit this Notice of Withdrawal of Induced Infringement Claim Under 35 U.S.C. § 271(b) (“Notice”). To preserve judicial economy, CureVac provides this Notice in advance of the February 11, 2025 hearing, as portions of Defendants BioNTech SE, BioNTech Manufacturing GmbH, and Pfizer Inc.’s (“Defendants”) Motion for Partial Summary Judgment (ECF No. 506 at 18–30) are rendered moot by this Notice. CureVac does not concede the merits of any position taken by Defendants in this case. Accordingly, CureVac provides notice as follows:

1. At trial, CureVac will pursue its claims for indirect infringement by way of contributory infringement under 35 U.S.C. § 271(c) but will not pursue its claims for indirect infringement based on active inducement under 35 U.S.C. § 271(b).

2. Within one business day of the Court's ruling on Defendants' Motion for Partial Summary Judgment (ECF No. 490, 506), CureVac will narrow the number of asserted claims to ten (10) claims or fewer.

WHEREFORE, CureVac provides the foregoing Notice to the Court and to Defendants.

Dated: February 5, 2025

/s/ John M. Erbach

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